

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-16 are presently active in this case, Claims 1, 4, 6-8, and 12-14 having been amended and Claims 15 and 16 having been added by way of the present Amendment.

Claims 5-14 were indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 7 and 8 have been rewritten in independent form including all of the limitations of the base claim and any intervening claims. Thus, Claims 7 and 8 are in condition for allowance.

In the outstanding Official Action, Claims 1-4 were rejected under 35 U.S.C. 103(a) as being unpatentable over Akiba (U.S. Patent No. 4,802,574) in view of JP 4-212840. For the reasons discussed below, the Applicants request the withdrawal of the obviousness rejection of Claim 1 and traverse the obviousness rejection of Claim 4.

The basic requirements for establishing a *prima facie* case of obviousness as set forth in MPEP 2143 include (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings, (2) there must be a reasonable expectation of success, and (3) the reference (or references when combined) must teach or suggest all of the claim limitations. The Applicants submit that a *prima facie* case of

obviousness cannot be established in the present case because the references, either taken singularly or in combination, do not teach or suggest all of the claim limitations.

Claim 1 of the present application recites a freshness-keeping device for keeping the freshness of food or other material to be preserved, which comprises an adsorbent adsorbed with a volatile freshness-keeping liquid and a film cover made of a material having a high impermeability to gas of the freshness-keeping liquid, which has larger dimensions than the adsorbent to cover the adsorbent from the outside. The cover has a skirt portion extending in a lateral direction of the adsorbent and a dispersing opening is formed at the skirt portion to permit the freshness-keeping liquid to gradually disperse outwardly from the adsorbent. The cover comprises at least one film sandwiching the adsorbent, and a bonding area is formed at the skirt portion by bonding opposing sandwiched surfaces of the at least one film.

The Akiba reference describes an absorbent for a gas absorbent for a gas preservative atmosphere. The Akiba reference does not disclose or suggest the skirt portion recited in Claim 1. Thus, the Akiba reference also does not disclose or suggest a bonding area formed at a skirt portion by bonding opposing sandwiched surfaces of at least one film, as recited in Claim 1.

The JP 4-212840 reference is cited for the teaching of a film cover having a skirt portion and a dispersing opening formed at the skirt portion. The JP 4-212840 reference does not disclose or suggest a bonding area formed at the skirt portion by bonding opposing sandwiched surfaces of at least one film, as recited in Claim 1. Figure 1 of the JP 4-212840

reference depicts an open area (9) between the ends of the layers. The JP 4-212840 reference does not disclose a bonding area.

Accordingly, neither the Akiba reference nor the JP 4-212840 reference disclose or suggest a bonding area formed at a skirt portion by bonding opposing sandwiched surfaces of at least one film, as recited in Claim 1. Accordingly, the Applicants submit that a *prima facie* case of obviousness cannot be established with respect to Claim 1 of the present application. Thus, the Applicants respectfully request the withdrawal of the obviousness rejection of Claim 1.

Claims 2 and 3 are considered allowable for the reasons advanced for Claim 1 from which they depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed, taught, nor suggested by the applied references when those features are considered within the context of Claim 1.

Claim 4 of the present application recites a freshness-keeping device comprising, among other features, a cover that comprises a single or two films made of a material having a high impermeability each having larger dimensions than the adsorbent and having an outer periphery as the skirt portion extending in a lateral direction of the adsorbent in a state of sandwiching the adsorbent, and a plurality of bond areas formed at the skirt portions, which are formed by bonding the skirt portions whereby the adsorbent is restricted between the film or films and wherein the dispersing opening is constituted by a non-bond area which is located between the bond areas between the skirt portions of the film or films.

As noted above with respect to Claim 1, the Akiba reference does not disclose or suggest the skirt portion recited in Claim 4. Thus, the Akiba reference also does not disclose or suggest a plurality of bonding areas formed at skirt portions, as recited in Claim 4.

The JP 4-212840 reference is cited for the teaching of a film cover having a skirt portion and a dispersing opening formed at the skirt portion. However, the JP 4-212840 reference does not disclose or suggest a plurality of bonding areas formed at the skirt portions, as recited in Claim 4. Figure 1 of the JP 4-212840 reference depicts an open area (9) between the ends of the layers, but does not disclose a bonding area.

Accordingly, neither the Akiba reference nor the JP 4-212840 reference disclose or suggest a plurality of bonding areas formed at skirt portions, as recited in Claim 4.

Accordingly, the Applicants submit that a *prima facie* case of obviousness cannot be established with respect to Claim 4 of the present application. Thus, the Applicants respectfully request the withdrawal of the obviousness rejection of Claim 4.

Newly added Claims 15 and 16 are considered allowable as they recite features of the invention that are neither disclosed nor suggested by the references of record. Claim 15 is allowable for at least the reasons discussed for Claim 1, from which it depends. New Claim 16 advantageously recites a freshness-keeping device comprising, among other features, a film cover joined to a surface of an adsorbent, where the film cover is bonded to the surface of the adsorbent at a bond area that surrounds a non-bond area. (See, e.g., Figure 5 and the written description thereof for non-limiting support of new Claim 16.) Such a configuration

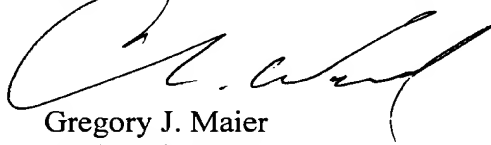
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is not disclosed in the cited references.

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

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